

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

ELBERT MADISON,

Plaintiff,

v.

ACAPULCO RESTAURANTS, INC., et
al.,

Defendants.

Case No.: C 04-2440 PVT

**ORDER RE PARTIES' PROPOSED FORM OF
PROTECTIVE ORDER**

On May 26, 2005, the parties submitted a Stipulation re Protective Order; [Proposed] Order Thereon.¹ Having reviewed the proposed form of order, the court finds it appropriate to issue this order,

IT IS HEREBY ORDERED that, no later than June 24, 2005, the parties shall re-submit a proposed form of protective order in accordance with this order. Rather than listing specific documents to be designated "Confidential," the revised proposed form of order shall state in general the proper standard to govern designating documents and information "Confidential."² The revised

¹ The holding of this court is limited to the facts and the particular circumstances underlying the present motion.

² For example, the court's model form of protective order, available in the forms section of the court's website (www.cand.uscourts.gov), defines "'Confidential' Information or Items" as "information (regardless of how generated, stored or maintained) or tangible things that qualify for protection under standards developed under F.R.Civ.P. 26(c)."

1 proposed form of protective order shall also require parties to comply with Civil Local Rule 79-5
2 when seeking to file any document or information designated "Confidential."

3 IT IS FURTHER ORDERED that, pending entry of a protective order to govern the handling
4 of confidential information (the "Protective Order"), any party may designate documents or
5 information "Confidential" if the party and the party's counsel have made a good faith determination
6 that the document or information warrants such protection under Federal Rules of Civil Procedure
7 26(c). All such documents and information designated Confidential shall be disclosed only to
8 counsel of record for the parties (including paralegal and clerical assistants) and independent experts
9 who agree in writing to be bound by this order. The foregoing categories of people to whom
10 Confidential documents and information may be disclosed shall use the Confidential documents and
11 information solely for the purpose of this litigation. The restrictions imposed by this order shall
12 cease only when superceded by the court's issuance of the Protective Order. Once the Protective
13 Order is issued, each counsel shall promptly serve a copy of that order on each independent expert to
14 whom they have disclosed any Confidential documents or information, and each such independent
15 expert shall then promptly execute an affidavit in the form attached to the Protective Order.

16 Dated: 6/9/05

17 /s/ Patricia V. Trumbull
18 PATRICIA V. TRUMBULL
United States Magistrate Judge